

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

**5:18-CR-9
(FJS)**

SHAQUILLE BRELAND also known as Shaq,

Defendant.

APPEARANCES

OF COUNSEL

**OFFICE OF THE UNITED
STATES ATTORNEY**

James Hanley U.S. Courthouse
& Federal Building
100 South Clinton Street
P.O. Box 7198
Syracuse, New York 13261-7198
Attorneys for the United States

NICOLAS COMMANDEUR, AUSA

**OFFICE OF STEPHEN
LANCE CIMINO**

247 West Fayette Street, Suite 315
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Attorneys for Defendant

STEPHEN LANCE CIMINO, ESQ.

SCULLIN, Senior Judge

FINAL PRETRIAL SCHEDULING ORDER

Generally the Court does not issue a final pretrial scheduling order until all pending motions have been decided. However, because the Court has already ordered that the trial in this matter will commence on **December 4, 2018**, in **Syracuse, New York**, the Court finds it necessary to issue this scheduling order, setting the dates for the filing of pretrial submissions and for the Final Pretrial Conference in order to provide the parties with ample to time to prepare. Therefore, the Court hereby

ORDERS that the parties shall file and serve all of their pretrial submissions, *see* Exhibit "A,"

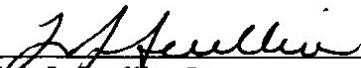
as well as all motions *in limine* on or before **November 16, 2018**; and the Court further

ORDERS that the parties shall file and serve any opposition to the motions *in limine* on or before **November 21, 2018**; and the Court further

ORDERS that the Court will hold a Final Pretrial Conference with counsel in this matter on **November 29, 2018, at 4:00 p.m. in Syracuse, New York.**

IT IS SO ORDERED.

Dated: November 6, 2018
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge

EXHIBIT A

FINAL PRETRIAL SUBMISSIONS

The parties shall *electronically* file all pretrial submissions unless otherwise noted.

On or before November 16, 2018, counsel shall file any **MOTIONS *IN LIMINE***, citing the applicable rules of evidence and case law. Counsel shall file any response to a motion *in limine* on or before **November 21, 2018**. **THE PARTIES MAY NOT OTHERWISE FILE MOTIONS *IN LIMINE* WITHOUT LEAVE OF THE COURT.**

On or before November 16, 2018, counsel for each party shall:

- (1) file and serve **VOIR DIRE** requests;
- (2) file and serve the **Court Ordered Questionnaire** (*see* Attachment 1);
- (3) file and serve **REQUESTS TO CHARGE** and a proposed **VERDICT FORM**. Such submissions are without prejudice to the party's right to submit additional requests to charge, the need for which was not apparent prior to trial, at the conclusion of the taking of evidence;
- (4) file and serve a **MEMORANDUM OF LAW**, not to exceed twenty-five (25) pages in length, containing argument and citations to the applicable rules of evidence and case law regarding issues of substantive law. The parties should also include in their memoranda of law any evidentiary issues that they anticipate will be raised at the trial of the substantive issues;
- (5) make every effort to enter into **STIPULATIONS OF FACT** including stipulations as to the admissibility of evidence, limiting the matters which are required to be tried;
- (6) file and serve a proposed **EXHIBIT LIST** (Government to label exhibits numerically, *i.e.*: G- 1, G-2, G-3, etc.; Defendant to label exhibits numerically, *i.e.*: D-1, D-2, etc.);
- (g) file and serve a proposed **WITNESS LIST** with a brief description of the subject area of the proposed witness' testimony.

EXHIBITS:

The parties shall premark all exhibits for identification. Counsel shall prepare an exhibit binder **for each juror**, which shall include only those exhibits that counsel intends to use during the trial and to which the parties have stipulated. Counsel shall

prepare copies of those exhibits not stipulated to, but which counsel intends to offer at trial, for distribution to each juror upon their admission into evidence. **In addition to exhibit binders**, counsel may choose to present the exhibits using the **courtroom evidence technology**, which is addressed below. Counsel shall bring all juror exhibit binders to Court on the first day of trial. **Additionally, the parties shall provide Senior Judge Scullin's Courtroom Clerk with two complete sets of exhibit binders on the first day of trial for the Judge and his law clerk.** *Counsel must prepare additional exhibit binders for use at the witness stand and for opposing counsel.*

COURTROOM TECHNOLOGY:

(1) PREPARING EXHIBITS FOR COURTROOM TECHNOLOGY: The parties shall store on electronic media, such as CDs or DVDs, or otherwise prepare for use with the **courtroom evidence technology, if available**, all documentary materials, including, but not limited to, documents, photographs, charts, and diagrams that they intend to use as exhibits during the course of the trial. The parties shall properly mark each document in the lower right corner for identification purposes as directed below. In cases involving voluminous documents, the parties should consult with Senior Judge Scullin's Courtroom Clerk for the proper procedure to follow.

(2) COURTROOM TECHNOLOGY: If the parties intend to use the courtroom equipment to display exhibits at trial, the Court directs counsel to contact Senior Judge Scullin's Courtroom Clerk **well in advance of the trial date** to make arrangements for testing the equipment. **The Court does not provide** a person to run the equipment. The courtroom is equipped with the following: a) VHS/DVD combination unit, b) visual evidence presenter/document camera, c) VGA, Audio, and HDMI connections for laptops (no internet), and d) interpreter hearing impaired headsets. All non-proprietary DVDs, i.e., .avi, mp3, mp4, and .wmv, *should be compatible* with the Court's DVD player, *however, prior to the trial date, counsel must confirm compatibility. If any portion of the DVD/VHS tape needs to be redacted, it is counsel's responsibility to provide a redacted copy for use at trial.*

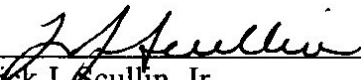
Counsel may choose to use the visual evidence presenter/document camera to publish exhibits to the jury in addition to preparing exhibit binders. The visual presenter/camera allows counsel to display documents, photos, x-rays, and electronic presentations on monitors located throughout the courtroom, including the jury box. Touch screen monitors, located at the podium and witness stand, allow counsel and the witness to place marks on an exhibit that is displayed on the monitor by touching the screen. The VGA, Audio, and HDMI laptop connections are available at the podium and at the counsel tables. (no internet) If counsel presents evidence through a Macintosh laptop, a video connector/adaptor is required and is not provided by the Court. **PLEASE NOTE:** In the event counsel's equipment is not compatible with the courtroom equipment, the Court is not responsible for supplying electronic parts to remedy the problem, which is why **it is critical that counsel test the equipment well**

in advance of trial. Again, the Court does not provide a person to run the equipment.

The Court may at any time request a courtesy copy of any electronically filed document.

IT IS SO ORDERED.

Dated: November 6, 2018
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge

ATTACHMENT 1

COURT ORDERED QUESTIONNAIRE
TO BE USED BY THE JUDGE AT TRIAL

CASE TITLE:

CRIMINAL ACTION NO.:

DISTRICT JUDGE: FREDERICK J. SCULLIN, JR.

Each attorney is required to submit the following information on behalf of his/her client for use by the Court during Voir Dire and to file this document with the Court on or before November 16, 2018.

NAMES AND ADDRESSES OF ALL DEFENDANTS ON TRIAL. DEFENSE COUNSEL'S FIRM NAME, ADDRESS AND THE NAME OF ANY PARTNER OR ASSOCIATE WHO MAY BE AT COUNSEL TABLE DURING THE COURSE OF THE TRIAL

(use additional page if necessary)

U.S. ATTORNEY'S NAME AND OFFICE ADDRESS; NAMES AND BUSINESS ADDRESS OF ANY CASE AGENT OR OTHER GOVERNMENT REPRESENTATIVE WHO WILL SIT AT COUNSEL TABLE.

(use additional page if necessary)

SET FORTH THE DATE OF EACH ALLEGED CRIMINAL OFFENSE, THE PLACE OF THE OFFENSE AND A BRIEF STATEMENT OF THE EVENTS CENTRAL TO THE CHARGES OF EACH COUNT IN THE INDICTMENT.

(use additional page if necessary)

SET FORTH THE NAMES AND ADDRESSES OF ALL LAY WITNESSES TO BE CALLED.

(use additional page if necessary)

SET FORTH THE NAMES AND ADDRESSES OF ALL EXPERT WITNESSES TO BE CALLED AND A BRIEF DESCRIPTION OF THEIR AREAS OF EXPERTISE.

(use additional page if necessary)

SET FORTH A BRIEF DESCRIPTION OF EACH AND EVERY COUNT IN THE INDICTMENT.

(use additional page if necessary)

SET FORTH A BRIEF DESCRIPTION OF EACH AND EVERY AFFIRMATIVE DEFENSE ASSERTED.

(use additional page if necessary)

PLEASE TAKE NOTICE that the Court will explain to the jury any delay in jury selection occasioned by the failure to provide this information as to the extent of the delay and the attorney causing same; and, if the delay causes a one (1) day or more postponement of this trial, the Court will impose the appropriate monetary sanctions.

Date: _____

(Signature of Attorney)

Bar Roll #:

<p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK</p> <p>CASE NO.</p> <p>GOVERNMENT EXHIBIT NO. _____</p> <p>DATE ENTERED _____ JOHN M. DOMURAD, CLERK</p> <p>BY: _____ DEPUTY CLERK</p>	<p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK</p> <p>CASE NO.</p> <p>DEFENDANT EXHIBIT NO. _____</p> <p>DATE ENTERED _____ JOHN M. DOMURAD, CLERK</p> <p>BY: _____ DEPUTY CLERK</p>
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**United States District Court
Northern District Of New York**

Case No.**Date:** _____**Presiding Judge: FREDERICK J. SCULLIN, JR.**☐ **Government**☐ **Defendant**☐ **Court**

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description

Case No. _____

Page ____ of ____

Date: _____

Presiding Judge: FREDERICK J. SCULLIN, JR.

☐ Government

☐ Defendant

☐ Court

Exhibit No.	Marked for Identification	Admitted Into Evidence	Remarks	Witness	Exhibit Description

Exhibits Returned to Counsel (Date): _____

Signature: _____